

INTRODUCED BY MR. GATES,

(By request,)

JANUARY 24, 1913.

REFERRED TO COMMITTEE ON MEDICAL AND DENTAL LAWS.



AN ACT

FOR THE REGULATION OF THE PRACTICE OF MEDICINE, SURGERY AND OBSTETRICS, NATUROPATHY OR OSTEOPATHY AND OTHER SYSTEMS OR MODES OF TREATING THE SICK OR AFFLICTED HUMAN BEINGS IN THE STATE OF CALIFORNIA, FIXING THE STANDARD OF PRELIMINARY EDUCATION OF STUDENTS BEFORE ENTERING UPON THE STUDY OF MEDICINE, SURGERY OR OBSTETRICS, NATUROPATHY OR OSTEOPATHY OR OTHER MODES OF TREATING THE SICK AND AFFLICTED HUMAN BEINGS, THE MODE OF THE EXAMINATION OF MATRICULANTS AND BY WHOM, THE NUMBER OF HOURS REQUIRED IN THE ATTENDANCE AT COLLEGES, SCHOOLS OR UNIVERSITIES BEFORE RECEIVING A DIPLOMA, STANDARD OF COLLEGES, SCHOOLS AND UNIVERSITIES TEACHING THE SAME, AND FOR THE APPOINTMENT OF A BOARD OF MEDICAL EXAMINERS IN THE MATTER OF SAID REGULATION.

The people of the State of California do enact as follows:

- 1 SECTION 1. The governor shall appoint a board of medical
- 2 examiners to be known as the board of medical examiners of
- 3 the State of California, consisting of thirteen members; such
- 4 appointment shall be made as follows: Five members from the
- 5 school or system known and designated as the allopathic; two
- 6 members from the homeopathic school or system; two members
- 7 from the eclectic school or system; two members from the

1 naturopathic school or system; and two members from the
2 osteopathic school or system. Said members of the medical
3 profession at the time of such appointment shall have been
4 residents of the State of California and citizens of the United
5 States and practicing the principles of medicine in accordance
6 with the system or school from which they are appointed for at
7 least four years next preceeding their appointment; all vacan-
8 cies shall be filled by appointment from the school or system in
9 which vacancy occurs. The term of office of each member shall
10 be for four years or until their successors are duly appointed
11 and qualify. It shall require the affirmative vote of eight
12 members of said board to carry any motion, resolution, adopt
13 any rule, pass any measure, or to authorize the issuance of any
14 certificate as in this act provided.

15 SEC. 2. Each member of said board shall, before beginning
16 his term of office file with the secretary of state, the constitu-
17 tional oath of office and shall, in addition make oath that he is
18 a graduate in medicine, surgery and obstetrics, naturopathy or
19 osteopathy, for more than three years has been a duly licensed
20 practitioner of medicine, surgery and obstetrics, naturopathy
21 or osteopathy, of the State of California. Each member of said
22 board in addition to the above oaths shall make oath that is a
23 bona fide resident of the State of California and a citizen of
24 the United States for more than four years next preceeding the
25 date of his appointment.

26 SEC. 3. Said board shall be organized on or before the
27 second Tuesday in August, 1913, by electing from its members
28 a president, a vice-president, a secretary, and a treasurer, who
29 shall hold their offices respectively for the period of one year
30 and until their successors are duly elected and qualified. The
31 secretary and treasurer shall give bonds in the sum of five thou-
32 sand dollars each to the State of California for the faithful
33 performance of their respective duties. The president, or in
34 his absence the vice-president shall preside over all meetings of
35 the board, sign all orders, certificates or other documents
36 requiring his signature. The secretary shall collect all moneys
37 and fees, as in this act provided, give his receipt therefor and

1 within ten days pay the same over to the treasurer, taking his
2 receipt therefor, and perform such other duties as may be
3 required of him by the president and the board. The treasurer
4 shall receive all money from the secretary and deposit the same
5 as a special fund with the treasurer of the State of California
6 subject to the order of this board to be paid out only by war-
7 rant drawn on the treasurer of the State of California, signed
8 by the president or vice-president and the secretary and coun-
9 tersigned by the treasurer of the board.

10 SEC. 4. Said board shall hold its regular meetings in the
11 city and county of San Francisco, on the first Tuesday of April,
12 August and December of each year and shall have the power
13 to adjourn from time to time until its business shall have been
14 concluded. If at any time less than a quorum shall be present
15 such number shall have the power to adjourn from day to day
16 until a quorum shall be present, but such number less than a
17 quorum shall have no other power. Said board may, in its
18 discretion conduct examinations of applicants for certificates
19 in any part of the state designated by the board. Notice of each
20 regular meeting of the board shall be given by publication
21 twice a week for each of the two weeks next preceding each
22 meeting, in four daily newspapers of general circulation pub-
23 lished in the city and county of San Francisco, in one daily
24 paper published in the city of Sacramento and in three daily
25 papers published in the city of Los Angeles; said notice shall
26 also specify the time and place of holding the examinations of
27 applicants for certificates. Special meetings of the board may
28 be held at such times and place as may be designated by the
29 board and the same notice thereof shall be given as herein
30 required to be given in the case of regular meetings. The sec-
31 retary shall receive all applications for certificates as provided
32 in this act to be issued, and shall keep a correct account of all
33 such applications in a book to be kept for such purposes, and
34 said board shall on or before the first day of January of each
35 year transmit to the governor of the state a full and true report
36 of all its proceedings, number of applications, received, number

1 of certificates issued, together with a full and true report of its
2 receipts and disbursements.

3 SEC. 5. It shall be the duty of the state board of examiners
4 of the State of California to audit the accounts of said board
5 and transmit a copy of its report to the governor of the state
6 on or before the first day of January each year.

7 SEC. 6. The office of said board shall be in the city and
8 county of San Francisco and in all legal proceedings against
9 said board, the said city and county of San Francisco shall be
10 deemed to be the residence of the members thereof.

11 SEC. 7. Said board may from time to time adopt such rules
12 and regulations as may be necessary to enable it to carry into
13 effect the provisions of this act not in conflict herewith. Any
14 member of said board may administer oaths in all matters
15 pertaining to the duties of said board and the board shall have
16 the power and authority to take evidence in any matter cog-
17 nizable by it in accordance with the chapters of the Code of
18 Civil Procedure of the State of California pertaining to the
19 rules of evidence and the manner of its production.

20 SEC. 8. *Preliminary education.* All colleges, schools or
21 universities teaching medicine or any of the branches thereof
22 in this state shall require every medical student applying for
23 matriculation therein on and after August 15th, 1913, to present
24 to the dean, president, or board of trustees, or other governing
25 body of such college, school or university, a "medical students
26 certificate," which certificate shall be issued to said matricu-
27 lant by the superintendent of public instruction of the State
28 of California or by any one of the duly appointed deputy
29 superintendents of public instruction of the State of Califor-
30 nia, and the superintendent of public instruction or any of
31 the deputies thereof are hereby empowered and directed to
32 examine all applicants for "medical student certificates"
33 upon the receipt of a fee of five dollars to be paid at the time
34 the application is filed. Said application shall contain the
35 full name of the applicant, age, when born, where born, and
36 if a foreigner whether naturalized or not, what schools or
37 institutions of learning he or she has attended, the time spent

1 therein, where such schools are situated, how long a resident
2 of this state, and the place where he or she last resided, to-
3 gether with a certificate signed by two reputable physicians
4 who have been practicing their profession in the State of Cal-
5 ifornia or in the state where said applicant is a resident, at
6 least two years before the filing of such application, stating
7 how long the applicant has been known to them, and such
8 other and further facts as may tend to show whether or not
9 the applicant would be a suitable person morally to practice
10 medicine, surgery and obstetrics, naturopathy or osteopathy
11 or other methods or systems of treating the sick or afflicted
12 human beings in the State of California. The superintendent
13 of public instruction shall require as a basis for the issuance
14 of said "medical students certificate"

15 (a) A degree of A. B. B. S., or equivalent, from an ap-
16 proved university, college, or academy of arts, science or phi-
17 losophy.

18 (b) A diploma or certificate of graduation from an ap-
19 proved high or normal school.

20 (c) A state teachers permanent or life certificate.

21 (d) A medical students certificate from any state board of
22 medical examiners or boards exercising such powers, demand-
23 ing equal requirements as herein provided, or in lieu thereof
24 said superintendent of public instruction or any one of his
25 deputies, shall require said applicant to submit to an exam-
26 ination in writing in the following branches:

27 (a) English, submitting a composition in his or her own
28 handwriting on some subject selected by said superintendent
29 at the time of said examination, said subject to be of general
30 interest and to embrace not less than two hundred words, and
31 when complete read aloud by the applicant, which shall be
32 considered with reference (1) penmanship, (2) spelling, (3)
33 pronunciation, (4) construction, and (5) capitalization.

34 (b) United States history.

35 (c) Arithmetic, vulgar and decimal fractions, percentage,
36 and compound numbers.

37 (d) Latin, through primary course.

1 (e) Science, natural and physical, the elements of mechan-
2 ics, hydrostatics, hydraulics, heat, optics, acoustics, electricity,
3 chemistry, botany, zoölogy, biology, physiology and hygiene.
4 Applicants failing to obtain a general average of 75% in the
5 entrance examination and falling below 50% in but two
6 branches may be conditioned on a different form of certifi-
7 cate. The said superintendent of public instruction or his
8 deputies shall make a separate list of such conditional appli-
9 cants in duplicate, one copy of which shall be sent to the state
10 board of medical examiners and the other retained in his office.
11 Such conditions must be removed by the presentation of a
12 certificate from the superintendent of public instruction or
13 his deputies that such applicant has passed a satisfactory
14 examination in the branches in which he or she was formerly
15 found deficient, within twelve months from the date of said
16 first examination before such students can be permitted to
17 enter on his or her second year of study: *provided, however,*
18 *that such student may attend the college, school or univer-*
19 *sity during said period of twelve months subject to such*
20 *second examination, and if such conditions are not removed*
21 *as herein provided, such attendance shall cease, and the said*
22 *superintendent of public instruction or his deputies, shall*
23 *furnish a list of such applicants to the state board of medical*
24 *examiners. All applicants to whom such certificates have been*
25 *issued shall upon presentation thereof and the payment of the*
26 *required fees for the first year be entitled to enter as a matric-*
27 *ulant in any medical college in the State of California.*

28 SEC. 9. Medical education on and after July 1st, 1913,
29 every medical college, school or medical department of any
30 university, (1) shall exact not less than the requirements for
31 matriculation specified in the preceding section thereof, (2)
32 shall literally observe its own published requirements, confirmed
33 by the governor, regarding tuition, time of attendance at
34 annual sessions and graduations which must be definitely
35 expressed not in conflict with this act, (3) shall have an active
36 and competent faculty for teaching the science and art of
37 medicine in accordance with the system to which the college,

1 school or university belongs, and whose curriculum in no par-
2 ticular shall be less in each year than that set forth in the
3 following table: histology 90 hours; embryology 90 hours;
4 osteology 30 hours; anatomy 420 hours; physiology 300 hours;
5 chemistry and toxicology 300 hours; materia medica 60 hours;
6 pharmacology 60 hours; therapeutics 90 hours; bacteriology
7 140 hours; pathology 240 hours; medical zoology, post mortem
8 work and clinical microscopy 90 hours; physical diagnosis 100
9 hours; practice of medicine 540 hours; surgery 540 hours;
10 obstetrics 160 hours; gynecology 160 hours; pediatrics 100
11 hours; eye and ear 60 hours; nose and throat 60 hours; mental
12 and nervous diseases 120 hours; medical jurisprudence 30
13 hours; electro-therapeutics 60 hours; genito-urinary diseases
14 60 hours; dermatology and syphilis 40 hours; hygiene and
15 public health 30 hours and dietetics 30 hours; *provided*, that a
16 leeway of 10 per cent may be allowed in the above schedule of
17 a minimum total of 4,000 hours and the hours in didactic
18 laboratory and clinic instruction shall be regulated by such
19 colleges as to them may seem proper. (4) shall have clinical
20 and hospital facilities in all county hospitals based on a
21 minimum municipal population at its place of location of not
22 less than fifty thousand, (5) shall require actual attendance
23 on 80 per cent of four courses of instruction in a medical
24 college of not less than 32 continuous weeks excluding holi-
25 days, in four separate years. Colleges may allow advanced
26 standing from other medical colleges having equal require-
27 ments, on presentation of official credentials, excepting in the
28 subjects embraced in the last year's study of their own cur-
29 riculum. Colleges, schools and universities teaching naturo-
30 pathy, osteopathy or other modes or systems of treating sick
31 and afflicted human beings, shall require not less than 80 per
32 cent attendance of four courses of instruction in a college of
33 not less than 32 continuous weeks in four separate years, and
34 whose curriculum in no particular shall be less than 4,000
35 hours minimum and shall teach not less than 8 of the funda-
36 mental subjects as herein set forth, in section 11, of this act.

37 SEC. 10. Three forms of certificates shall be issued by said

1 board under the seal thereof and signed by each member as
2 follows: first, a certificate authorizing the holder thereof to
3 practice medicine, surgery and obstetrics; second, a certificate
4 authorizing the holder thereof to practice naturopathy or
5 osteopathy; third, a certificate authorizing the holder thereof
6 to practice any other system, mode or method of treating sick
7 or afflicted human beings. Before any certificate shall be
8 issued to practice medicine, surgery and obstetrics, the appli-
9 cant for such certificate must be 21 years of age, of good moral
10 character, and file with said board at least two weeks prior to
11 any regular or special meeting thereof, a diploma regularly
12 issued by some legally incorporated or chartered medical school,
13 the requirements of which shall have been at the time of grant-
14 ing such diploma in no particular less than those prescribed in
15 this act, or satisfactory evidence of having possessed such
16 diploma and said applicant must also file with said diploma an
17 application in the form prescribed by said board, sworn to
18 before some person authorized to administer oaths, and attested
19 by the hand and seal of such officer, if he have a seal, stating
20 that he or she is the person named in said diploma, that he or
21 she is the lawful holder thereof and that the same was pro-
22 cured in the regular course of instruction and examination
23 without fraud or misrepresentation. Applicants for a certifi-
24 cate to practice naturopathy or osteopathy shall be subject to
25 the above rules and regulations, except that in place of the
26 diploma hereinbefore referred to, they shall be required to file
27 a diploma from a legally chartered and incorporated college of
28 naturopathy or osteopathy having a course of instruction of
29 four (4) years of eight months each and including the studies
30 of (1) anatomy, including histology; (2) physiology, including
31 embryology; (3) chemistry, toxicology and medical jurispru-
32 dence; (4) hygiene and public health; (5) bacteriology,
33 pathology and clinical microscopy; (6) obstetrics and gynecol-
34 ogy; (7) general diagnosis; (8) theory and practice of natur-
35 opathy or osteopathy, and the attendance on each course shall
36 not be less than 4,000 hours. All other applicants to practice
37 any other mode or system of treating the sick and afflicted

1 human beings shall be subject to the above and foregoing rules
2 and regulations, except that in the place of the diplomas here-
3 inbefore referred to, they shall be required to file a diploma
4 from a legally incorporated school or college teaching the mode
5 or system of treating the sick and afflicted human beings, which
6 the applicant intends to follow, (which must be stated in the
7 application) which school or college shall have a course of
8 instructions of four years of eight months each and including
9 the studies to be in naturopathic or osteopathic schools and the
10 attendance on each course shall not be less than 4,000 hours.
11 In addition to the requirements hereinbefore set forth in this
12 act, all applicants for certificate must be personally examined
13 by said board as to their qualifications to practice medicine,
14 surgery and obstetrics, naturopathy or osteopathy or any other
15 system or mode of treating sick and afflicted human beings.
16 The examination shall be practical and designed to discover the
17 applicant's fitness to practice medicine, surgery and obstetrics,
18 naturopathy or osteopathy or any other system or mode which
19 the applicant shall specify in his application that he desires or
20 intends to follow. Said examination shall be conducted in the
21 English language and shall be in whole or in part, in writing
22 on the following fundamental subjects: (1) anatomy, includ-
23 ing histology; (2) physiology, including embryology; (3)
24 materia medica, therapeutics and pharmacology; (4) chemistry,
25 toxicology and medical jurisdiction; (5) hygiene and public
26 health; (6) bacteriology, pathology and clinical microscopy;
27 (7) obstetrics and gynecology; (8) principles and practice of
28 medicine; (9) principles and practice of surgery; (10) mental
29 and nervous diseases. Those applicants who desire or intend
30 to practice naturopathy or osteopathy or any other system or
31 mode of treating the sick or afflicted human beings may be
32 excused from the examinations in medicine and surgery, and
33 those applicants who desire or intend to practice homeopathy
34 or eclectic medicine may be examined on the subjects of materia
35 medica and principles and practice of medicine by the members
36 of the board who are graduates of the same school or system.
37 Examinations in each subject shall consist of ten questions,

1 answers to which shall be marked on the paper at the time, giving
2 the value of each answer separately on the scale of zero to
3 ten. Each applicant must obtain not less than a general average of 75%; all questions shall be prepared by the examiner
4 and submitted to the board for approval before examinations.
5 All of the examination papers shall form a part of the records
6 of the board and shall be kept on file by the secretary for a
7 period of two years after each examination. At all said examinations the applicants shall be designated and known by numbers only, and the name attached to the number shall be kept
8 secret until the board shall have finally voted upon and either
9 granted, conditioned or rejected said applicant. The secretary
10 of the board shall in no instance be present or participate as
11 an examiner in any examination held by the board, and it shall
12 be good cause for removal by the governor, if it shall be shown
13 that such secretary shall give the number and name of any
14 applicant to any member of the board or any other person or
15 allow the same to be placed in such a place or position that any
16 member of the board or any other person can or would be able
17 to obtain the same, until such application shall have been
18 finally voted upon.

22 SEC. 11. Each applicant on making application shall pay
23 to the secretary of the board a fee of twenty-five dollars, which
24 shall be paid to the treasurer of the board by said secretary.
25 In case the applicant's credentials are insufficient, or in case
26 he does not desire to take the examination, the sum of ten
27 dollars will be retained, the remainder of the fee being return-
28 able upon application.

32 SEC. 12. Said board shall keep an official record of all its
33 proceedings, a part of which record shall consist of a register
34 of all applicants for certificates under this act, with the result
35 of each application. Said record shall be evidence of all the
36 proceedings of said board which are set out therein.

37 SEC. 13. Every person holding a certificate authorizing him
to practice medicine, surgery and obstetrics, naturopathy or
osteopathy, or any other system or mode of treating the sick
or afflicted human beings, in this state, must have it recorded

1 in the office of the county clerk of the county in which the
2 holder of said certificate is practicing his profession, and the
3 fact of such recording shall be endorsed on the certificate by
4 the county clerk recording the same. Every such person on
5 each change of his residence, must have his certificate recorded
6 in the county to which he shall have changed his residence.
7 The absence of such record shall be *prima facie* evidence of
8 the want of possession of such certificate. And any person
9 holding a certificate who shall practice medicine, surgery and
10 obstetrics, naturopathy or osteopathy, or any other system or
11 mode of treating the sick or afflicted human beings, in this
12 state, or to attempt to practice medicine, surgery and obstetrics,
13 naturopathy or osteopathy, or any other system or mode of
14 treating the sick or afflicted human beings, in this state, with-
15 out first having filed his certificate with the county clerk as
16 herein provided, shall be deemed guilty of a misdemeanor and
17 shall be punished by a fine of not less than twenty-five dollars
18 nor more than one hundred dollars or by imprisonment for a
19 period of not less than thirty days nor more than sixty days,
20 or both by such fine and imprisonment.

21 SEC. 14. The county clerk shall keep in a book provided
22 for the purpose, a complete list of the certificates recorded by
23 him, with the date of record; and said book shall be open to
24 public inspection during his office hours.

25 SEC. 15. Said board may refuse a certificate to any appli-
26 cant guilty of unprofessional conduct as the same is defined in
27 this act; but before such refusal the applicant must be cited by
28 citation, signed by the secretary of the board, and sealed with
29 its seal. No such citation shall be issued except upon a sworn
30 complaint filed with the secretary of the board, charging the
31 applicant with having been guilty of unprofessional conduct,
32 and setting forth the particular acts constituting such unpro-
33 fessional conduct. On the filing of such complaint the secre-
34 tary must forthwith issue a citation and make the same return-
35 able at the next regular session of said board, occurring at
36 least thirty days next after filing the complaint. Such cita-
37 tion shall notify the applicant of the time and place, when and

1 where the matter of said unprofessional conduct shall be heard,
2 the particular unprofessional conduct with which the appli-
3 cant is charged, and that the applicant shall file his written
4 answer under oath, within twenty days next after the service
5 on him of said citation, or default will be taken against him,
6 and his application for a certificate refused. The attendance
7 of witnesses at such hearing shall be compelled by subpœnas
8 issued by the secretary of the board, under its seal; and said
9 secretary shall in no case refuse to issue any such subpœna.
10 upon a fee of twenty cents being paid for such subpœna. Said
11 citation and said subpœnas shall be served in accordance with
12 the statutes of this state then in force as to the service of cita-
13 tions and subpœnas generally, and all provisions of the statutes
14 of this state then in force relating to subpœnas are hereby
15 made applicable to the subpœnas provided for herein. If any
16 person refuses to obey a subpœna served upon him in accord-
17 ance with the statutes of this state then in force providing for
18 the manner of serving subpœnas, the fact of such refusal shall
19 be certified by the secretary of said board, under the seal
20 thereof, to the superior court of the county in which the service
21 was had, and said court shall thereupon proceed to hear said
22 matter in accordance with the statutes of this state then in
23 force as to contempts for disobedience of process of the court;
24 and should said court find that the subpœna has been legally
25 served, and that the party so served has wilfully disobeyed the
26 same, it shall proceed to impose such penalty as provided in
27 cases of contempt of court. In all cases of alleged unprofes-
28 sional conduct arising under this act, depositions of witnesses
29 may be taken, the same as in civil cases, and all the provisions
30 of the statutes of this state then in force as to the taking of
31 depositions are hereby made applicable to the taking of deposi-
32 tions under this act. If the applicant shall fail to file with the
33 secretary of said board his answer, under oath, to the charges
34 made against him, within twenty days after service on him of
35 said citation, or within such further time as the board may give
36 him, and the charges on their face be deemed sufficient by the
37 board, default shall be entered against him, and his application

1 refused. If the charges on its face be deemed sufficient by the
2 board, and issue be joined thereon by answer, the board shall
3 proceed to determine the matter, to that end shall hear such
4 evidence as may be adduced before it; and if it appear to the
5 satisfaction of the board that the applicant is guilty as charged,
6 no certificate shall be issued to him. No certificate shall be
7 refused on the ground of unprofessional conduct unless the
8 applicant has been guilty of such conduct within two years
9 preceding his application. Whenever any holder of a certi-
10 cate herein provided for is guilty of unprofessional conduct,
11 as the same is defined in this act, and the said unprofessional
12 conduct has been brought to the attention of the board grant-
13 ing said certificate, in the manner hereinafter pointed out, or
14 whenever a certificate has been procured by fraud or misrep-
15 resentation, or issued by mistake, it shall be their duty to, and
16 they must, revoke the same at once, and the holder of said
17 certificate shall not be permitted to practice medicine, surgery
18 and obstetrics, naturopathy or osteopathy or any other system
19 or mode of treating the sick or afflicted human beings, in this
20 state. But no such revocation shall be made unless such
21 holder is cited to appear and the same proceedings are had as
22 is hereinafter provided in this section in case of refusal to
23 issue certificates. Said secretary in all cases of revocation shall
24 enter on his register the fact of such registration and shall
25 certify the fact of revocation under the seal of the board, to the
26 county clerk of the counties in which the certificate of the
27 person whose certificate has been revoked is recorded; and said
28 clerk must thereupon write upon the margin or across the face
29 of his register of the certificate of such person, the following:
30 "This certificate was revoked on the ----- day of -----
31 -----," giving the day, month and year of such revocation in
32 accordance with said certification to him by said secretary.
33 The record of such revocation so made by said county clerk
34 shall be prima facie evidence of the fact thereof, and of
35 regularity of all the proceedings of said board in the matter of
36 said revocation. From the time of the revocation of a certifi-
37 cate the holder thereof shall be disqualified from practicing

1 medicine or surgery, naturopathy or osteopathy, or any other
2 system or mode of treating the sick or afflicted human beings,
3 in this state. The words "unprofessional conduct" as used in
4 this act, are hereby declared to mean:

5 *First*—The procuring, or aiding or abetting in procuring
6 abortion.

7 *Second*—The wilfully betraying a professional secret, which
8 if divulged would tend to hold the patient up to public scorn
9 and contempt, except when ordered to do so by a court of com-
10 petent jurisdiction.

11 *Third*—All advertising of medical business which is
12 intended or has a tendency to deceive the public or impose
13 upon credulous or ignorant persons, and so be harmful or
14 injurious to public morals or safety.

15 *Fourth*—All advertising of any medicine, means, methods,
16 or appliances whereby it is claimed or intended that the
17 monthly periods of women can be regulated or the menses rees-
18 tablished if suppressed.

19 *Fifth*—Conviction of a felony or misdemeanor in which case
20 the record of such conviction shall be conclusive evidence.

21 *Sixth*—Habitual alcoholic or drug intemperance.

22 *Seventh*—The impersonation of another licensed practi-
23 tioner of a like or different name.

24 SEC. 16. Said board shall have power to employ legal coun-
25 sel and clerical assistance and to fix the salaries of the same
26 and to incur such other expenses as may be deemed necessary
27 to carry into effect the provisions of this act. It shall also
28 fix the salary of the secretary, not to exceed the sum of fifteen
29 hundred dollars (\$1,500) per annum, and the sum to be paid
30 to other members of said board, not to exceed ten (\$10) dol-
31 lars per diem each, for each and every day of actual service
32 in the discharge of official duties; and said board may, in its
33 discretion, add to said sums necessary traveling expenses.

34 SEC. 17. The said board shall on or before the first day of
35 January in each year cause to be prepared, printed and pub-
36 lished and sell for such sum as they may deem proper not
37 exceeding two dollars a correct register and directory

1 of the names in alphabetical order of all persons duly licensed
2 in this state to practice medicine, surgery, obstetrics, naturo-
3 pathy or osteopathy or any other mode or system of treating
4 the sick and afflicted human beings, together with the names
5 of any medical or other titles, degrees, or diplomas, the name
6 of the school, college, or university such person graduated
7 from, the date of granting said license, and the present resi-
8 dence of such person, and the register or directory so kept in
9 the office of said board shall at all times have all of such names
10 either printed or written therein, and shall be *prima facie*
11 evidence of the right of any person to practice medicine, sur-
12 gery, obstetrics, naturopathy, or osteopathy, or any other
13 mode or system of treating sick and afflicted human beings in
14 this state.

15 SEC. 18. Any person or number of persons who shall prac-
16 tice or attempt to practice, or advertise or hold himself out as
17 practicing medicine, surgery or obstetrics, or medicine, surg-
18 ery and obstetrics, or naturopathy or osteopathy, or any other
19 system or mode of treating sick or afflicted human beings in
20 this state or any person or number of persons, members or
21 stockholders or any corporation, copartnership, or association,
22 using the term or terms of Dr., or Doctor, or Dr. — & Co.,
23 or Doctor — and Company, or the Dr. or Doctor — Co.,
24 or M. D., or any other word, term or words, that would tend
25 to lead any person of ordinary understanding to believe that
26 such person or persons, corporation, copartnership, or associa-
27 tion would, does, did or could treat sick or afflicted human
28 beings in this state, without each, every, and all of such per-
29 sons having at the time of so doing a valid, unrevoked certifi-
30 cate as provided in this act, shall be guilty of misdemeanor,
31 and upon conviction thereof shall be punished by a fine of
32 not less than one hundred (100) dollars, nor more than five
33 hundred (500) dollars, or by imprisonment for a term of not
34 less than sixty (60) days, nor more than one hundred and
35 eighty (180) days, or by both such fine and imprisonment.
36 In each such conviction, the fine shall be paid, when collected,
37 to the state treasurer, and shall constitute a special fund for

1 the prosecution of illegal practitioners as defined in the act;
2 the said fund shall be paid to the said board by said state
3 treasurer upon warrants drawn thereafter by the president
4 and secretary of said board, countersigned by the treasurer
5 of said board, and the said board is hereby directed and author-
6 ized to prosecute all persons guilty of a violation of provisions
7 of this section or any part thereof, or any or all provisions of
8 this act.

9 SEC. 19. The terms, practice of medicine, practicing medi-
10 cine, medical practitioner, practicing medicine, surgery and
11 obstetrics, or medicine, surgery, obstetrics, naturopathy (natur-
12 opathy shall be known to include all natural methods of aiding
13 nature to restore normal conditions to the body such as diet,
14 exercise, rest, hydropathy, massage, spinal manipulation,
15 electricity, mental suggestion, osteopathy, chiropractic, spon-
16 dylotherapy, mechanotherapy, psychotherapy, radiotherapy,
17 or osteopathy or any other system or mode of treating the sick
18 or afflicted human beings, as used in this act and hereby defined
19 to mean, holding oneself out to the public in any manner
20 whatsoever as being engaged within this state in the diagnosis
21 or treatment of ailments or injuries or deformities, or disease
22 afflictions, whether actual or imaginary, of human being; or
23 the suggestion, recommendation or prescribing of any form of
24 treatment for the intended palliation, relief or cure of any
25 physical or mental ailment, injury or deformity of any human
26 being, with the intention or receiving therefor, either directly
27 or indirectly any fee, gift or compensation whatsoever, or the
28 maintenance of an office for the reception, examination or
29 treatment of any human being, suffering from any actual or
30 imaginary disease or injury of mind or body or physical
31 deformity; or attaching the title of M.D., Dr., or doctor, M. B.,
32 surgeon, M.S., physician, professor, or any other word, letter,
33 or words, letters, or abbreviation to his or her name, indicative
34 that such person or persons are engaged in the treatment or
35 diagnosis of the diseases, deformities, or injuries of human
36 beings.

1 SEC. 20. If any person holding a valid, unrevoked, certi-
2 ficate as in this act provided shall use the name of any other
3 person whether real or imaginary as the person who is main-
4 taining an office where the sick or afflicted human beings can be
5 treated; or takes employment from a person maintaining such
6 an office, in this state; or allows such persons to use or have in
7 such office his certificate issued as in this act provided or of
8 any of the preceding medical acts; or shall maintain an office
9 consultation in conjunction and connected with such an office,
10 or be financially interested in such an office, he or she shall be
11 guilty of a misdemeanor, and in addition to the penalty there-
12 for, upon conviction thereof, shall forfeit the right to practice
13 his profession as in his certificate provided and his said cer-
14 tificate shall be delivered to the court having jurisdiction of
15 such person, and the judge of such court shall write the words,
16 "Revoked," across the face of such certificate, sign his name,
17 title and date, and deliver the same to the secretary of said
18 board, who shall file the same in the office of said board.

19 SEC. 21. Every person filing for record, or attempting to
20 file for record, the certificates issued to another, falsely claim-
21 ing himself to be the person named in such certificate, or
22 falsely claiming himself to be the person entitled to the same,
23 shall be guilty of a felony, and, upon conviction thereof, shall
24 be subject to such penalties as are provided by the law of this
25 state for the crime of forgery.

26 SEC. 22. Any person assuming to act as a member of the
27 state board of medical examiners without being so, or who
28 shall sign, or subscribe, or issue, or cause to be issued, or seal,
29 or cause to be sealed, a certificate authorizing any person to
30 practice medicine, or surgery and obstetrics, naturopathy or
31 osteopathy, or any other system or mode of treating the sick
32 or afflicted human beings, in this state, shall be guilty of a mis-
33 demeanor, and shall be punished by a fine of not less than one
34 hundred (100) dollars, nor more than five hundred (500)
35 dollars, or by imprisonment for a term of not less than sixty
36 (60) days nor more than one hundred and eighty (180) days,
37 or by both such fine and imprisonment.

1 SEC. 23. Any person who holds a certificate from the board
2 of medical examiners created by "An act for the regulation
3 of the practice of medicine and surgery in the State of Cali-
4 fornia, and for the appointment of a board of medical exam-
5 iners in the matter of such regulation" which took effect
6 August the first, nineteen hundred and one, or for one of the
7 boards of examiners heretofore existing, under the provisions
8 of "An act to regulate the practice of medicine in the State
9 of California," approved April third, eighteen hundred and
10 seventy-six, or an act supplemental and amendatory to said
11 act, which became a law April first, eighteen hundred and
12 seventy-eight, shall be entitled to practice medicine and surgery
13 in this state the same as if it had been issued under this act;
14 any person who holds a certificate from the board of osteopathic
15 examiners of the State of California, under the provisions of
16 "An act to regulate the practice of osteopathy in the State of
17 California, and to provide for a state board of osteopathic
18 examiners, and to license osteopaths to practice in this state,
19 and to punish persons violating the provisions of this act,"
20 which became a law under constitutional provisions, without
21 the governor's approval, March ninth, nineteen hundred and
22 one, shall be entitled to practice osteopathy in this state, the
23 same as if it had been issued under this act; any person who
24 holds an unrevoked certificate issued by the board of examiners
25 of the association of naturopaths of California, incorporated
26 under laws of State of California, August eighth, nineteen
27 hundred and four, legalized by senate bill No. 26, approved
28 March (19) nineteenth, nineteen hundred and nine, and who
29 shall be practicing naturopathy prior to the passage of this act,
30 shall be entitled to practice naturopathy in this state, the same
31 as if it had been issued under this act; but all certificates
32 herein mentioned may be revoked for unprofessional conduct,
33 and in the same manner, and upon the same grounds, as if
34 they had been issued under this act, and shall be subject to
35 all of the terms and conditions, rules, and regulations as in
36 this act provided.

37 SEC. 24. Nothing in this act shall be so constructed as to

1 inhibit service in the case of emergency, or to the domestic
2 administration of family remedies; nor shall this act apply to
3 any commissioned medical officer in the United States army,
4 navy, or marine hospital service, in the discharge of his official
5 duties; nor to any licensed dentist when engaged exclusively
6 in the practice of dentistry. Nor shall this act apply to any
7 practitioner from another state or territory, when in actual
8 consultation with a licensed practitioner of this state, if such
9 practitioner is, at the time of such consultation, a licensed
10 practitioner in the state or territory in which he resides; *pro-*
11 *vided*, that such practitioner shall not open an office or appoint
12 a place of meeting patients or receive calls within the limits
13 of this state. Nor shall this act be constructed so as to dis-
14 criminate against any particular school of medicine, surgery
15 or obstetrics, naturopathy or osteopathy, or any other system
16 or mode of treating the sick or afflicted human beings, or to
17 interfere in any way with the practice of religion.

18 SEC. 25. Said board may in its discretion accept and
19 register on the payment of a fee of fifty (50) dollars and with-
20 out an examination of the applicant issue a certificate as in
21 this act provided, to any person holding a license which shall
22 have been issued to him or her by the medical examining board
23 of the District of Columbia or any other state or territory of the
24 United States; *provided, however*, that the legal requirements
25 of said medical examining boards, the applicant's preliminary
26 and medical educational qualifications shall have been at the
27 time of issuing such license or certificate, in no degree or
28 particular less than those required by the rules of the board
29 and the laws of this state; *provided, however*, that such appli-
30 cant shall have been actively engaged in the practice of his
31 profession in the state issuing such license or certificate at
32 least two years immediately previous to him making such
33 application to the board of this state; *provided, further*, that
34 such state, territory or district will grant to medical licentiates
35 of the State of California equal privileges.

36 SECTION 26. *Reciprocity.* That the state board of medical
37 examiners shall establish reciprocal relations with the

1 boards of other states in reference to the issuance of certificates
2 of qualification; *provided*, that such reciprocal relations shall
3 not be established with the state board of medical examiners
4 of any state that does not require examination upon substan-
5 tially the same branches of medicine or medical learning as
6 those enumerated in section 9 of this act, and does not main-
7 tain a standard of proficiency at least equal to that maintained
8 by the state board of medical examiners of this state. When
9 such reciprocal relations have been established a certificate of
10 qualification may be issued without examination to a person
11 who presents evidence that he has complied with the require-
12 ments of a reciprocating state board of medical examiners;
13 *provided*, that on the face of the certificate issued in accord-
14 ance with this section it shall appear that such certificate was
15 issued *pro forma* and without examination.

16 SEC. 27. *Repeal.* All acts, or parts of acts, in any wise
17 conflicting with the provisions of this act, are hereby repealed.